

Gaza: Hamas, Israel committed war crimes, claims independent rights probe



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Destruction in northern Gaza



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Palestinian armed groups and Israeli authorities have both committed war crimes and crimes against humanity during the attack on 7 October and the subsequent military operations, according to a new report by a UN independent human rights body.

This was among the [conclusions listed in the report](#) of the [Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel](#), released on Wednesday.

“Amid months of losses and despair, retribution and atrocities, the only tangible result has been compounding the immense suffering of both Palestinians and Israelis, with civilians, yet again, bearing the brunt of decisions by those in power,” the Commission said, stressing the impact on women and children.

Clear turning point

The brutal attack of 7 October by Hamas on communities in southern Israel marked a “clear turning point” for both Israelis and Palestinians and presents a “watershed moment” that can change the direction of the conflict, with a real risk of further solidifying and expanding the occupation, the Commission said.

For Israelis, the attack was unprecedented in scale in its modern history, when in one single day hundreds of people were killed and abducted, invoking painful trauma of past persecution not only for Israeli Jews but for Jewish people everywhere.

For Palestinians, Israel's military operation and attack in Gaza have been the longest, largest and bloodiest since 1948, causing immense damage and loss of life and triggered for many Palestinians traumatic memories of the [Nakba](#) and other Israeli incursions.

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Stop recurring cycles of violence

The Commission emphasized that both the attack in Israel and Israel's subsequent military operation in Gaza should not be seen in isolation.

"The only way to stop the recurring cycles of violence, including aggression and retribution by both sides, is to ensure strict adherence to international law," it stressed.

"That includes ending the unlawful Israeli occupation of Palestinian territory; discrimination, oppression and the denial of the right to self-determination of the Palestinian people, and guaranteeing peace and security for Jews and Palestinians."

Deliberate targeting by Hamas

The Commission further noted that in relation to the attack of 7 October in Israel, members of the military wings of Hamas and other Palestinian armed groups, as well as Palestinian civilians who were directly participating in the hostilities, deliberately killed, injured, mistreated, took hostages and committed sexual and gender-based crimes against civilians, including Israeli citizens and foreign nationals.

Such acts were also committed against members of the Israeli Security Forces (ISF), including soldiers considered hors de combat – such as injured soldiers.

"These actions constitute war crimes and violations and abuses of international humanitarian law and international human rights law," it said.

The Commission also identified patterns indicative of sexual violence in several locations and concluded that Israeli women were disproportionately subjected to these crimes.

Failure to protect civilians

It also noted that Israeli authorities "failed to protect civilians in southern Israel on almost every front", including failing to swiftly deploy sufficient security forces to protect civilians and evacuate them from civilian locations on 7 October.

In several locations, ISF applied the so-called 'Hannibal Directive' and killed at least 14 Israeli civilians. That Directive is reportedly a procedure to prevent capture of ISF members by enemy forces and was alleged to have been directed against Israeli civilians on 7 October.

"Israeli authorities also failed to ensure that forensic evidence was systematically collected by concerned authorities and first responders, particularly in relation to allegations of sexual violence, undermining the possibility of future judicial proceedings, accountability and justice," the Commission added.

Violations by Israeli military

The independent Commission, established by the UN [Human Rights Council](#), also concluded that, in relation to Israel's military operations in Gaza, Israel committed war crimes, crimes against humanity and violations of international humanitarian and human rights laws.

The Commission further concluded that the immense numbers of civilian casualties and widespread destruction of civilian objects and vital civilian infrastructure were the "inevitable results of Israel's chosen strategy for the use of force" during these hostilities, undertaken with intent to cause maximum damage, disregarding distinction, proportionality and adequate precautions, and thus unlawful.

"ISF's intentional use of heavy weapons with large destructive capacity in densely populated areas constitutes an intentional and direct attack on the civilian population, particularly affecting women and children," the Commission said, adding that this was confirmed by the substantial and increasing numbers of casualties, over weeks and months, with "no change in Israeli policies or military strategies".

Recommendations

Among its recommendations, the Commission report called on the Government of Israel to immediately end attacks resulting in the killing and maiming of civilians in Gaza, end the siege on Gaza, implement a ceasefire, ensure that those whose property has been unlawfully destroyed receive reparations, and ensure that necessities crucial for the health and well-being of the civilian population immediately reach those in need.

It also called on the Government of the State of Palestine and the de-facto authorities in Gaza to ensure the immediate and unconditional release of all hostages held in the enclave; ensure their protection, including from sexual and gender-based violence; report on their state of health and wellbeing; allow visits by the International Committee of the Red Cross (ICRC), contact with families and medical attention, and ensure their treatment in compliance with international humanitarian and human rights laws.

“Stop all indiscriminate firing of rockets, mortars and other munitions towards civilian populations,” it added.

Israel rejects findings

Upon publication of the report, Israel rejected the findings of the independent Commission.

In a press release, the country’s Permanent Mission to the UN in Geneva reiterated accusations of “systematic anti-Israeli discrimination”, political bias and of drawing a “false equivalence” between Israeli soldiers and Hamas fighters.

About the Commission of Inquiry

The [Commission of Inquiry](#) was [established](#) by the UN Human Rights Council to, among other points, investigate, in the Occupied Palestinian Territory, including East Jerusalem, and in Israel, all alleged violations of international humanitarian law and abuses of international human rights law leading up and since 13 April 2021.

Its [report](#) will be presented to the Human Rights Council’s 56th session on 19 June 2024 in Geneva. The report is accompanied by two documents providing findings on the [7 October attack in Israel](#), and on Israel’s military operations and [attacks in Gaza until the end of 2023](#).

Its members are not UN staff and do not draw a salary.

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